

FCC MAIL SECTION

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Federal Communications Commission

FCC 97-348

DISPATCHED BY

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	ET Docket No. 97-99
to Relocate the Digital Electronic Message	)	
Service From the 18 GHz Band to the	)	
24 GHz Band and to Allocate the	)	
24 GHz Band For Fixed Service	)	

**ORDER**

Adopted: September 26, 1997;

Released: October 14, 1997

By the Commission:

**I. INTRODUCTION**

1. By this action, the Commission amends Parts 74, 78, and 101 of its rules regarding, respectively, Auxiliary Broadcast Services, Cable Television Relay Service, and Fixed Microwave Services to specify permanent coordination criteria between these services and Government operations in the 17.8-19.7 GHz band. This action is being taken to advance, support, and accommodate the national defense.<sup>1</sup>

**II. BACKGROUND**

2. This proceeding was initiated pursuant to a request from the National Telecommunications and Information Administration (NTIA), on behalf of the Department of Defense, to protect Government Earth stations in the 17.8-19.7 GHz band in the Washington, DC, and Denver, CO, areas in the interest of national security.<sup>2</sup> In the original *Order* in this proceeding (*Reallocation Order*), we amended our Table of Frequency Allocations and Part 101 of our rules to permit Fixed Service use of the 24.25-24.45 GHz and 25.05-25.25 GHz bands ("24

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<sup>1</sup> See 47 U.S.C. § 151.

<sup>2</sup> See Letter from Richard Parlow, Associate Administrator, Office of Spectrum Management, NTIA to Richard Smith, Chief, Office of Engineering and Technology, FCC, dated January 7, 1997.

GHz band").<sup>3</sup> We took that action to facilitate relocation of the digital electronic message service ("DEMS") from the 18.82-18.92 GHz and 19.16-19.26 GHz bands ("18 GHz band") to the 24 GHz band.

3. NTIA also requested that we establish coordination zones for fixed service licensees located at 18 GHz. Specifically, to protect Government users, NTIA requested that we replace our interim coordination procedures for non-DEMS fixed services in the 18 GHz band with permanent coordination requirements.<sup>4</sup> In the *Reallocation Order*, we stated that we would adopt rules consistent with the exclusion and coordination requirements requested by NTIA in a future Order. However, we found it necessary in the *Reallocation Order* to immediately modify the rules for low power operations at 18 GHz. We explained that because low power operations are licensed on an area basis, it is very difficult to ensure that individual transmitters are properly coordinated with Government operations. Accordingly, to help ensure protection of Government operations at 18 GHz, we prohibited any new low power operations within 55 km when used outdoor and 20 km when used indoor of the coordinates 38° 48' N and 76° 2' W (Washington, D.C., area) and 39° 43' N and 104° 46' W (Denver, CO, area). Finally, we stated that pending adoption of a future Order consistent with NTIA's request, we would continue to protect Government operations at 18 GHz from other non-Government operations by using the interim procedures currently in place.

### III. DISCUSSION

4. As requested by NTIA, we establish for the 17.8-19.7 GHz band permanent exclusion and coordination zones with regard to applicable Auxiliary Broadcast (Part 74), Cable Television Relay (Part 78), and Fixed Microwave (Part 101) operations in the Washington, D.C. and Denver, Colorado.<sup>5</sup> This action is necessary to minimize potential interference to Government operations. Our action herein will ensure that Government satellite Earth stations important to national security will operate without harmful interference being caused by non-Government operations.

### IV. PROCEDURAL MATTERS

5. As more fully discussed in the previous paragraph, we take this action to minimize the likelihood of interference to military communications. Accordingly, we find that notice and

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<sup>3</sup> See 12 FCC Rcd 3471 (1997), *recon. pending*. An *Erratum* corrected portions of the appendices in the *Reallocation Order*. See 12 FCC Rcd 4990 (1997).

<sup>4</sup> See Letter from Richard Parlow, Associate Administrator, Office of Spectrum Management, NTIA to Richard Smith, Chief, Office of Engineering and Technology, FCC, dated March 5, 1997, at ¶¶ iv, v.

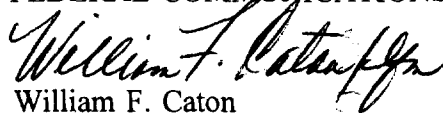
<sup>5</sup> *Id.*

comment procedures are unnecessary and contrary to the public interest, and need not be followed prior to the adoption of these rules. See 5 U.S.C. § 553 (a)(1), (b)(3)(B); Bendix Aviation Corp. v. F.C.C., 272 F.2d 533 (D.C. Cir. 1959), cert. denied sub nom. Aeronautical Radio, Inc. v. U.S., 361 U.S. 965 (1960).

#### V. ORDERING CLAUSE

6. Accordingly, IT IS ORDERED that Parts 74, 78, and 101 of the Commission's Rules ARE AMENDED as specified in the Appendix, effective 30 days after publication in the Federal Register. This action is authorized by Sections 4(i), 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Section 154(i), 303(c), 303(f), and 303(r).

FEDERAL COMMUNICATIONS COMMISSION



William F. Caton  
Acting Secretary

**APPENDIX: FINAL RULES**

**Parts 74, 78, and 101 of Title 47 of the Code of Federal Regulations are amended as follows:**

A. Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation in Part 74 continues to read:

**AUTHORITY:** Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

2. Section 74.32 is added to read as follows:

**§ 74.32 Operation in the 17.8-19.7 GHz band.**

To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8 - 19.7 GHz band, or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

Denver, CO area

Rectangle 1: 41° 30' 00" N. Lat. on the north  
103° 10' 00" W. Long. on the east  
38° 30' 00" N. Lat. on the south  
106° 30' 00" W. Long. on the west

Rectangle 2: 38° 30' 00" N. Lat. on the north  
105° 00' 00" W. Long. on the east  
37° 30' 00" N. Lat. on the south  
105° 50' 00" W. Long. on the west

Rectangle 3: 40° 08' 00" N. Lat. on the north  
107° 00' 00" W. Long. on the east  
39° 56' 00" N. Lat. on the south  
107° 15' 00" W. Long. on the west

Washington, D.C. area

Rectangle    38° 40' 00" N. Lat. on the north  
                 78° 50' 00" W. Long. on the east  
                 38° 10' 00" N. Lat. on the south  
                 79° 20' 00" W. Long. on the west

or

Within a radius of 178 km of 38° 48' 00" N. Lat. / 76° 52' 00" W. Long.

In addition, no application seeking authority to operate in the 17.8 - 19.7 GHz band will be accepted for filing if the proposed station is located within 20 km of the following coordinates:

Denver, CO area: 39° 43' 00" N. Lat. / 104° 46' 00" W. Long.

Washington, DC area: 38° 48' 00" N. Lat. / 76° 52' 00" W. Long.

**NOTE:** The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of  $\pm 30$  meters with respect to the "National Spatial Reference System".

B. Part 78 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation in Part 78 continues to read:

**AUTHORITY:** Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

2. Section 78.19 of this chapter is amended by adding paragraph (f) to read as follows:

**§ 78.19 Interference.**

\* \* \* \* \*

(f) Protection to the Federal Government's receive earth station operations in the Denver, Colorado and Washington D.C. areas in the 17,800 to 19,700 MHz band.

(1) With the exception of applicants for a station authorization to operate within a 5 km radius of 39° 40' 23" N Lat. and 105° 13' 03" W Long (Morrison, CO), applicants will not be authorized to operate within a 50 km radius of 39° 43' 00" N Lat. and 104° 46' 00" W Long. (Denver, CO) and

within a 50 km radius of 38° 48' 00" N Lat. and 76° 52' 00" W Long.  
(Washington, DC).

(2) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8 - 19.7 GHz band, or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

(i) A circular area within a 5 km radius of 39° 40' 23" N Lat. and 105° 13' 03" W Long. (Morrison, CO)

(ii) Within the rectangular areas defined as follows (vicinity of Denver, CO):

Rectangle 1: 41° 30' 00" N. Lat. on the north  
103° 10' 00" W. Long. on the east  
38° 30' 00" N. Lat. on the south  
106° 30' 00" W. Long. on the west

Rectangle 2: 38° 30' 00" N. Lat. on the north  
105° 00' 00" W. Long. on the east  
37° 30' 00" N. Lat. on the south  
105° 50' 00" W. Long. on the west

Rectangle 3: 40° 08' 00" N. Lat. on the north  
107° 00' 00" W. Long. on the east  
39° 56' 00" N. Lat. on the south  
107° 15' 00" W. Long. on the west

(iii) Within the rectangle and circle areas as follows (vicinity of Washington, DC):

Rectangle 38° 40' 00" N. Lat. on the north  
78° 50' 00" W. Long. on the east  
38° 10' 00" N. Lat. on the south  
79° 20' 00" W. Long. on the west

or

Within a radius of 178 km of 38° 48' 00" N. Lat. / 76° 52' 00" W. Long.

**NOTE:** The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of  $\pm 30$  meters with respect to the "National Spatial Reference System".

C. Part 101 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority cite for Part 101 continues to read as follows:

**AUTHORITY: 47 U.S.C. 154 and 303, unless otherwise noted.**

2. Section 101.123(d) is added to read as follows:

**§ 101.123 Quiet zones.**

\* \* \* \* \*

(d)(i) To minimize or avoid harmful interference to Government Satellite Earth Stations located in the Denver, Colorado and Washington, D.C. areas, any application for a new station license to operate in the 17.8 - 19.7 GHz band (except for low power operations governed by §101.147(r)(10)), or for modification of an existing station license in this band which would change the frequency, power, emission, modulation, polarization, antenna height or directivity, or location of such a station, must be coordinated with the Federal Government by the Commission before an authorization will be issued, if the station or proposed station is located in whole or in part within any of the areas defined by the following rectangles or circles:

Denver, CO area

Rectangle 1: 41° 30' 00" N. Lat. on the north  
103° 10' 00" W. Long. on the east  
38° 30' 00" N. Lat. on the south  
106° 30' 00" W. Long. on the west

Rectangle 2: 38° 30' 00" N. Lat. on the north  
105° 00' 00" W. Long. on the east  
37° 30' 00" N. Lat. on the south  
105° 50' 00" W. Long. on the west

Rectangle 3: 40° 08' 00" N. Lat. on the north  
107° 00' 00" W. Long. on the east  
39° 56' 00" N. Lat. on the south  
107° 15' 00" W. Long. on the west

Washington, D.C. area

Rectangle     38° 40' 00" N. Lat. on the north  
                  78° 50' 00" W. Long. on the east  
                  38° 10' 00" N. Lat. on the south  
                  79° 20' 00" W. Long. on the west

or

Within a radius of 178 km of 38° 48' 00" N. Lat. / 76° 52' 00" W. Long.

(d)(ii) In addition, no application seeking authority to operate in the 17.8 - 19.7 GHz band will be accepted for filing if the proposed station is located within 20 km (or within 55 km if the application is for an outdoor low power operation pursuant to §101.147(r)(10)) of the following coordinates:

Denver, CO area: 39° 43' 00" N. Lat. / 104° 46' 00" W. Long.

Washington, DC area: 38° 48' 00" N. Lat. / 76° 52' 00" W. Long.

**NOTE:** The coordinates cited in this section are specified in terms of the "North American Datum of 1983 (NAD 83)" with an accuracy of  $\pm 30$  meters with respect to the "National Spatial Reference System".

3. Section 101.31 is revised to read as follows:

**§ 101.31 Special temporary, temporary, and conditional authorizations.**

\* \* \* \* \*

(b)(3) Except for operations in the 17.8 - 19.7 GHz band, the licensee of stations which are authorized pursuant to the provisions of paragraph (b) of this section shall notify the Commission at least five (5) days prior to installation of the facilities stating:

\* \* \* \* \*

(b)(6) Operations in the 17.8 - 19.7 GHz band are prohibited in the areas defined in §101.123(d)(ii). Operations proposed in the areas defined in §101.123(d)(i) may not commence without prior specific notification to, and authorization from, the Commission. Such notification will contain the information specified in paragraph (b)(3) of this section.

\* \* \* \* \*

(e)(v) The station site does not lie within 56.3 kilometers of any international border, within a radio "Quiet Zone" identified in §101.123 or, if operated on frequencies in the 17.8 - 19.7 GHz band, within any of the areas identified in §101.123(d) of this part.

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